Convoy Dispatch

VOICE OF THE TEAMSTER RANK AND FILE SINCE 1975 — Dec. 2002/Jan. 2003 # 206

The Battle for Pension Justice Is On

The battle for justice in the Central States Pension Fund is on. Many thousands have signed petitions to end the pension freeze and the unjust rules that prevent our retirees from working to supplement their pensions.

Re-Employment Rule Must Be Changed

Local union leaders of all political stripes have issued letters supporting an end or major change in the re-employment rule. The pension movement is set to file a class action lawsuit on the issue.

Meanwhile, the International Union leadership is busy playing politics. They have commissioned a study of the fund, and the IBT General Counsel says there should be no pension increases.

Fund Shakeup

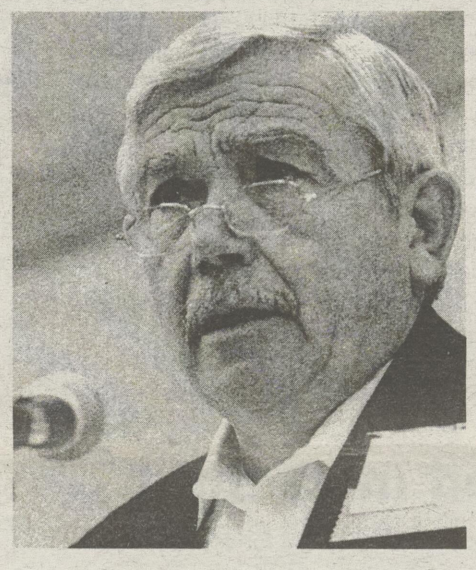
The Central States Fund is in the midst of a shakeup, after long-time Director Ron Kubalanza was pushed out in October.

On the weekend of November 1-3, 400 Teamsters traveled to Cleveland to the TDU Convention, many of them participants in the Central States Fund who are joining the new pension movement.

The Pension Improvement Committee is now going to:

- Expand the petition drive to every workplace and local.
- Gain the support of local unions, through votes at membership meetings (see page 4).
- Support a class action lawsuit (see page 4).
- Raise thousands of dollars to support litigation and a possible actuarial study of the fund.
- Hold informational meetings in every state and area.
- Broaden the leadership and membership input of the committee

To find out more about the pension movement and how you can help, see page 4.



Greg Charron, recently retired from Georgia Local 728, addressed the TDU Convention regarding the Central States Pension Fund freeze and re-employment rule.

"The good news is that Teamsters aren't taking it lying down. With TDU's help we've organized a pension improvement committee, and got a petition going like wildfire. Members are mad and Teamster officials know it. In fact, even some Hoffa officials are joining the call for change.

People want to be involved, I tell them don't be afraid to grab ahold, because you are Teamsters and can make a difference. We won't quit until we win what our members and retirees deserve."

Reform Teamsters Meet

Teamsters met at the TDU Convention in Cleveland to plan national strategies, and to build local struggles, the campaign for pension justice, and rank and file power. See pages 5 and 6.

What Is TDU About? **see page 12.**

Reformers Sweep Local 961 Election

In November, members chose the United for Change Slate to lead Colorado Local 961. The reform victory was a mandate to strengthen union representation and rank and file power. Full story on page 9.

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Letters From Our Members

Violent Retaliation in RISE's 'Reformed' Local

The last issue of *Convoy Dispatch* raised important questions about the investigative study on organized crime influence in our union that was recently published by Project RISE, the Hoffa administration's anti-corruption program.

Reading the RISE report, we were shocked to learn that our Local 854 is the number one example of "Locals with Reformed Cultures." Our recent experience with violent retaliation to our union reform activity tells a different story.

The RISE report accurately states that our employer, Joe Curcio, the owner of Consolidated Bus Transit, was able to use his relationship with Gambino crime family members to negotiate sweetheart contracts with Local 854.

What the RISE report does not mention is that although two Gambino crime family members have been removed from our local, our boss continues to dominate our union officials and financially benefit from his connection to Local 854 by negotiating weak contracts — the worst in the yellow bus industry in New York City — and by violating our contract at will without any resistance from our union.

We have been organizing with TDU to change this situation since this summer by electing new shop stewards and increasing contract enforcement. The response has been retaliation, sometimes violent, from our employer and inaction and indifference by our local officials. Some examples include:

▶ The tire on the car of TDU member Jose Estevez was slashed while it was parked outside of work after Estevez collected signatures on a petition seeking a shop steward election. We continued the petition drive and TDU members Jona Fleurimont and Jose Guzman were overwhelmingly elected.

▶ Management illegally suspended Fleurimont and Guzman for distributing information about grievances they had filed. With TDU's help, they were returned to work with full backpay.

A threatening and racist flyer was planted in the driver's seat of TDU activist Juan Carlos Rodriguez's bus, telling him to stay away from Dominicans. Many of the members who are organizing for change are Dominican; Rodriguez is from Argentina.

▶ Two thugs used hammers to smash all of the windows on Fleurimont's car just minutes after he parked it outside of work on Nov. 18.

▶ Consolidated's transportation president Anthony Streppoli threatened to assault Fleurimont and had to be physically restrained on Nov. 21.

▶ On the same day, management suspended Guzman for five days, accusing him of intimidating members who don't support Teamster reform.

The purpose of these and other retaliatory acts is clear: management is trying to intimidate us out of organizing to enforce our rights. But management's tactics are not working.

Instead, Consolidated employees are more united than ever. We have filed group grievances and multiple NLRB complaints which are under investigation. Members have donated hundreds of dollars to pay for car repairs and lost time for our stewards. We are continuing to hold meetings and workshops with TDU.

We do not know whether our current union officials are associated with organized crime or not. What we do know is that when members have faced violent retaliation for our union activity, our officials have not lifted one finger to help us. We have had to file every grievance, submit every NLRB charge, draft every flyer, and organize every other action on our own.

This is a far cry from the "reformed culture" and "fair and efficient grievance procedure" that the RISE report claims our local is the number one example of.

Shop stewards Jona Fleurimont and Jose Guzman and their co-workers have faced violent retaliation and suspensions since they began organizing for members' rights in Local 854.

We have reported all of these incidents to RISE investigators who met with us at length to discuss our concerns. These investigators were professional and serious and we hope that RISE will take action to protect us from further retaliation and to hold our union officials accountable for their inaction.

Most importantly, we are going to continue to organize with TDU. In the end, an informed and organized membership is the best protection we have from corruption—whether that corruption lies with our employers, our union officials, or both.

Jose Estevez, Jona Fleurimont
Jose Guzman
Juan Carlos Rodriguez
Consolidated Bus Transit
Local 854, Valley Stream, N.Y.

Pay Equity Needed in Freight

At our local freight contract proposals meeting, I proposed that we tie upper management pay to that of Teamster wages under Article 20: Fair Day's Work for a Fair Day's Pay. The president of my local liked it, and it was submitted. I didn't see it in the set of union proposals.

I'm a grunt, not a shirt, but I know both are needed. I drive the truck and deliver. Someone else finds the freight. Someone helps with loose ends. My union covers my butt. We all work together.

Would it matter if I grunted in a suit instead of a t-shirt and flannel? You bet it does when it comes to what we earn. I think the salaries (and stock options) for top CEOs , presidents, and anyone else on top should be tied in with what they say they can afford for us as the bottom.

I don't mean everyone should make the same but we all know there's a huge gap and it's growing larger all the time. Shouldn't there be a greater fairness about the difference in what the top and the bottom make? Ask your union brothers and sisters about a fair day's work for a fair day's pay. Our company makes record profits and we get a mug. My gripe isn't just with the companies, it's also with the union. Tie the top to the bottom, it's fair!

Joe Medrano
Local 614, Holland, Pontiac, Mich.

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How to Contact TDU

We want to hear from you. Contact us at the addresses below for more information about TDU, or to send us articles or letters.

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TDU International Steering Committee

Co-Chairs:
Joe Fahey, Watsonville, Calif., Local 912
Maria Martinez, Pasco, Wash., Local 556
Michael Ruscigno, New York Local 802
Michael Savwoir, Kansas City, Mo., Local 41

Organizer:
Ken Paff, Detroit

Trustees:
Willie Hardy, Memphis Local 667
Erik Jensen, Minneapolis Local 320
Matt Latzo, Baltimore Local 311

Members:
Millie Gonzalez, Puerto Rico Local 901
Jim Jacob, Providence, R.I. Local 251
Roy Kruchten, Chicago Local 705
Ashley McNeely, Minneapolis Local 2000
George Saavedra, Vallejo, Calif., Local 490
Dawn Stanger, Vermont Local 597
Frank Villa, Los Angeles Local 630

Alternates:
Kirk Stephenson, Seattle Local 763
Louis Irby, Little Rock, Ark., Local 878
John Love, Reading, Pa., Local 429

Who We Are

CONVOY DISPATCH is the voice of Teamsters for a Democratic Union. We are the united rank and file movement to reform the Teamsters, created out of the merger of PROD and TDU.

We are truck drivers, dock workers, production workers—every kind of Teamster, and spouses, too.

We are a grassroots organization with chapters from coast to coast in the USA and Canada. We believe in returning this union to the membership and we are doing it. We are a democratic organization in which every member has a voice and vote. Our 15-member International Steering Committee was elected in November 2002 for one year. Our Rank & File Convention had over 400 representatives present.

We are proud Teamsters standing up for our rights. TDU invites all Teamsters interested in defending our contracts and reforming our union to join us. We do reserve the right to exclude those who are opposed to TDU and its principles.

Rank & File Bill of Rights

I. DEMOCRATIC BY-LAWS. All business agents and stewards should be elected. Vacancies in office should be filled by special election within three months. Local union committees should be elected. Contract and strike votes should be by majority (not two-thirds). All contracts should provide for elected officers retaining company seniority.

II. DIRECT ELECTION OF OFFICERS. General President and all International officers should be elected by the membership. International VPs elected by regions. An end to trusteeships and split-off locals.

III. A FAIR GRIEVANCE PROCEDURE. Innocent until proven guilty, right to remain on the job until final procedure completed. Grievance procedure should include right to a speedy trial, arbitration by peers, and the right to strike if necessary.

IV. PRESERVATION OF WORKING CONDITIONS. The union's purpose is to expand and preserve what we have, not trade it away for anything less. People come first, not productivity.

V. SAFETY AND HEALTH. We have the right to enter the workplace without fear for our health and leave in the same condition we arrive. Teamsters should have the right, backed up by our union, to refuse unsafe work or hazardous conditions. We are not machinery.

VI. EIGHT-HOUR DAY AND FIVE-DAY WEEK. Forced overtime and unfair dispatch rules destroy our family life and cost us jobs. No mandatory overtime, "flexible" work weeks, or 70-hour slavery. We are for the advent of the four-day work week. We work to live, not live to work!

VII. A DECENT PENSION. Every dollar in the pension funds belongs to us. We are entitled to 25-and-out, cost of living on pensions, and union pension trustees elected by the rank and file and retirees to safeguard our money.

VIII. JUST SALARIES FOR OFFICERS. A union officer can't understand the problems of members who make less than half what he makes. No officer should make more than the highest paid working members in his jurisdiction. No multiple salaries from union, company, or government sources, or special fringes and pensions. Salary increases limited to the average increase for membership, and subject to membership approval.

IX. EQUALITY AMONG TEAMSTERS. Bring all wage levels up to the highest standards, not a lot for the few and little for the many. Fight the hardest for the lowest paid.

X. END TO DISCRIMINATION. Employers have used the differences in age, race and sex to divide us for decades. We oppose these injustices and divisions. Support affirmative action to correct past injustices. Employers should bear the cost of their past discrimination, not the members.

Hoffa Promises Right to Strike, No Concessions in Freight Agreement

Companies Continue to Press for Early Deal

The International Union and Trucking Management Inc (TMI) are bargaining supplemental agreements in November, and expect to begin national bargaining in December. TMI, representing the largest carriers in the NMFA, continues to press for an early deal, even by the end of December. The union postponed national bargaining because supplemental talks were proceeding too slowly.

Meanwhile, our leadership continues the information blackout that has kept members in the dark about the goals, progress, and strategy for the contract. While bulletins mailed to members' homes talk about "membership involvement," that involvement is limited to reading press releases and listening to a few sound bites on a hotline.

Hoffa has pledged repeatedly that there will be no concessions in the contract. All Teamsters can unite around that benchmark. Unfortunately, the union actually put forward two giveaways in their initial proposals in October (see separate article below).

The union has a number of important demands on the table, and Teamsters should back them.

Hoffa forcefully promised all local union officials on Oct. 14 in Las Vegas that he would win the right to strike over deadlocked grievances, an important way to force the carriers to actually live up to the contract.

Merely the threat of a strike can prevent the contract from being gutted. All Teamsters should support this demand and hold the union committee to this commitment.

Union Demands on the Bargaining Table

(Selected demands taken from union's national proposals)

➤**Right to Strike.** Eliminate arbitration as the final step in the grievance procedure, restore the right to strike instead.

➤**New-Hire Rates.** Eliminate entirely. No new-hire rates.

➤**Three-Year Contract.** No long-term deals in this uncertain period.

➤**Card Check.** In organizing any unit, if a majority of workers sign representation cards, the company will recognize the union and bargain.

➤**Severance Pay.** One week pay for each year of seniority.

➤**Modified Work.** Require it to be truly voluntary; company to pay full compensation rates if modified work is declined. Require modified work to be at contract rate of pay.

➤**Railing.** Reduce 28 percent railing allowance to 14 percent. Require payments to H&W/pension funds for each railed trailer. No railing in any terminal with layoffs.

➤**Sick Days.** Four more sick days per year. Payable on first day off.

Note: Most economic demands have not yet been put forward. Many other demands have been made in supplemental bargaining, including increased time off: voluntary, inverse seniority layoffs; sixth tour optional for road drivers; increased time off for road drivers and teams; no four nonconsecutive 10-hour days in cartage; voluntary overtime in cartage, etc.

For a copy of the union's national or supplemental bargaining proposals, ask your local union officers. Or contact TDU. Free to TDU member, others include donation.

Seniority Rights and Innocent Until Proven Guilty

Hoffa Submits Giveaways

Freight Teamsters are reacting with shock and anger when they learn that the union's initial bargaining demands for the NMFA actually include two important concessions that would undermine Teamster rights and weaken our union.

These two proposed concessions are:

- Give away the right of a freight Teamster to retain seniority when taking a union position.
- Give away the principle of innocent until proven guilty entirely.

That's right, *union* officials proposed these giveaways. But you will not learn that in any of the glossy bulletins mailed to you. They are keeping this quiet.

The first giveaway (contained in Article 22) means that if a Teamster becomes an organizer for a year or two, possibly in a major drive to organize the freight industry, that Teamster would have no job to return to when the organizing drive ends. Or, if a Teamster takes a business rep job, but later cannot work with the union president, he or she would have no job to return to.

Insurance for Officers

Why would our union officials want to abolish this seniority right we fought hard to win in 1994? Because they are willing to weaken our union to enhance their own control. They want freight Teamsters to be afraid to run for office (an incumbent insurance plan). They want freight Teamsters who do win office to be more controllable from above.

Innocent Until Proven Guilty

The proposed giveaway of innocent until proven guilty will affect every supplemental agreement. It is certainly true that the language needed to be changed. Our weak grievance panels, often staffed by officials too long out of a truck, have allowed the companies to weaken it by the use of phony "cardinal sins."

The answer is to strengthen the innocent until proven guilty language, and reform our grievance panels. The answer is not to give a free concession to the companies, eliminating what Teamsters fought to win.

The union reserves the right to change or withdraw any proposal, and members must demand that these proposals be withdrawn.

No union official has the right to give away what those before them fought to win.

Freightlines

Pension Increase a Contract Must

Freight Teamsters in the Central and Southern regions are fighting for a pension increase in the upcoming contract, and against unfair rules imposed by the Central States Pension Fund. Meanwhile, the International Union is busy telling us to be happy we don't work for Enron and forget about improvements. The answer is to say "no pension improvements, no contract."

New Holiday Needed

The last time a new holiday was won in the NMFA was in 1979, nearly a generation ago. It's time for our union to push publicly to win Martin Luther King Day in the contract. This holiday is recognized by the federal government and virtually every state and is in other major union contracts. It's right, it's overdue and it's winnable.

Overnite Strike Ends

On Oct. 24 the International Union officially ended the Overnite strike, after three years. A small number of strikers returned to work. The Hoffa administration's press release blamed Overnite's vicious union busting and NLRB and court decisions for the defeat.

The move was no doubt overdue, since the strike had long ago ceased to put a dent in Overnite's operations or profit. But many Teamsters found the timing strange, coming within a week of the opening of bargaining for the national master freight contract. "It sent a signal to the companies, and not a good one," one former Overnite organizer commented.

Decertification Votes

Overnite management is busy with decertification votes at various terminals. The company has recently succeeded in getting the union voted out in St Louis; Little Rock; Decatur, Ala.; Marietta, Ga; Grand Rapids, Mich.; Sacramento, Calif. and Cincinnati. The average vote was about nine to one against our union.

Bucking the trend, Local 325 in Rockford, Ill., recently filed for a representation vote.

Former IBT Organizing Director John Murphy and James Hoffa have yet to take any responsibility for the defeat. Murphy once bragged that he would win the strike in three weeks. Later he stated, on camera, that a good general sometimes has to get all his troops killed. Hoffa is probably trying to find some way to blame Ron Carey.

In the mid to late 1990s, our union won representation rights for nearly 4,000 Overnite workers, in a worker-powered organizing drive. Rather than maintain the drive, and retain the quality organizers who were leading it, the Hoffa administration shut it down and called a disastrous strike amid much PR.

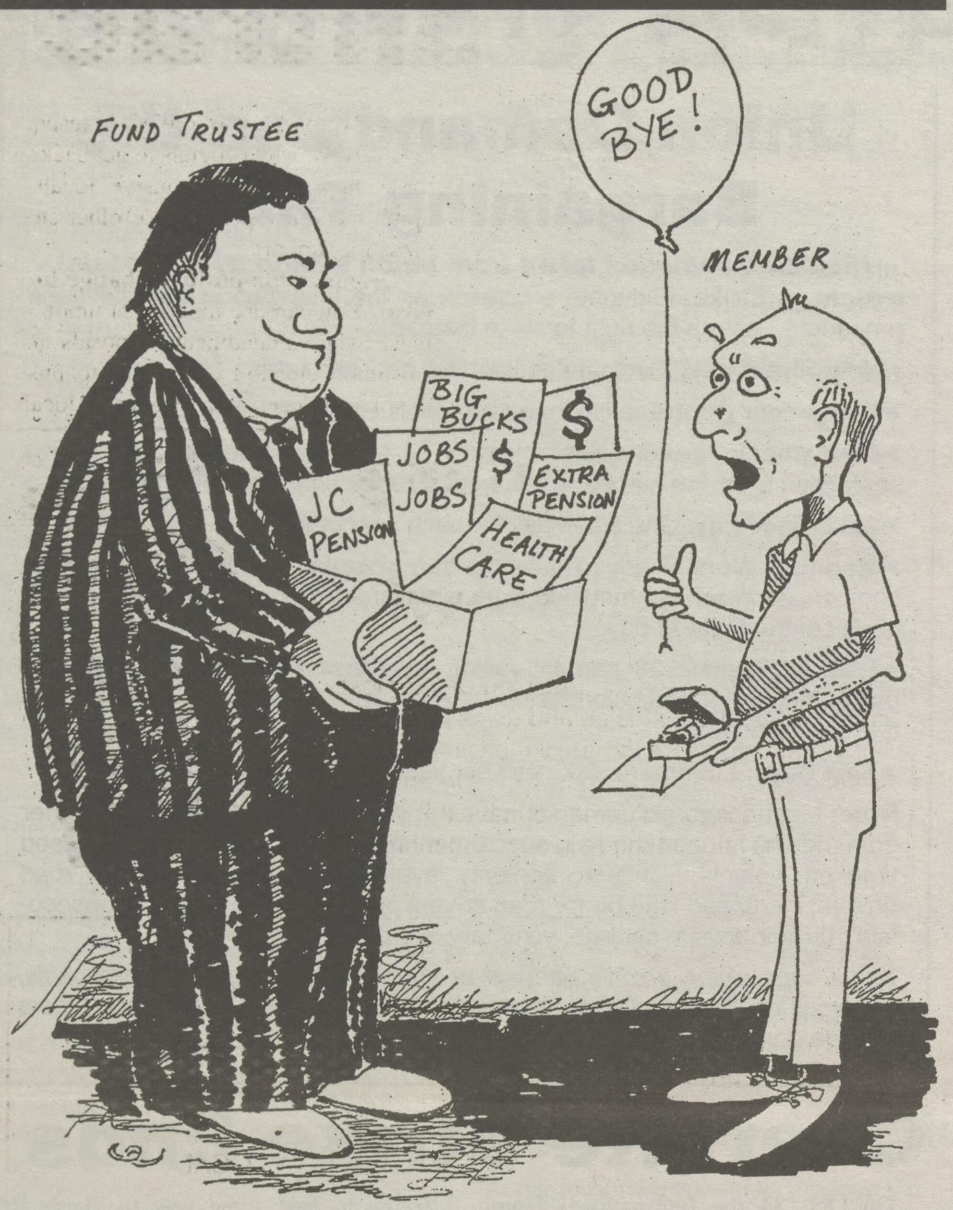
Former IBT Organizing Director John Murphy and James Hoffa have yet to take any responsibility for the defeat. Murphy once bragged that he would win the strike in three weeks.

All Teamsters should recall the dedicated organizers and courageous Overnite drivers and dock workers who stood strong for justice and the Teamsters.

The best way to carry forward their work is to mount a massive, well-planned organizing drive in the freight industry. The International Union now has nearly doubled its income with the recent dues hike, and there is no better place to put it than in organizing in our core jurisdictions.

Our best selling point to organize in trucking would be a freight contract that will attract nonunion drivers to the Teamsters.

A Tale of Two Pensions



Pension Freeze, Re-employment Injustice

Local Unions Speak Out on Pensions

In **Detroit Local 299**, both carhaul and freight members voted in November to put the local on record calling for increased pensions, and for an end to the re-employment rule. They wanted to send a signal to the negotiators — union and employer — who will bargain those contracts. They also sent a signal to the fund and the International Union.

In **Mansfield, Ohio, Local 40**, members voted in November to support the work of the Pension Improvement Committee, and to bring a speaker from the committee to a local union meeting.

In **Cleveland Local 407**, local President Alex Adams sent a letter to all of the fund's trustees informing them that "recent decisions by the Fund Trustees have angered and disappointed our members. The proposed freeze on benefit improvements, the increase in payments for retiree health coverage, and the further tightening of the re-employment rule have turned some members' joyful anticipation of retirement into one of fear for their futures." The letter calls the re-employment rule a "particularly sore spot" and calls on the trustees to "reconsider these policies immediately." A letter to members has been posted on all Local 407 bulletin boards.

Detroit area Local 243, which includes 3,000 UPS Teamsters, distributed letters for members to sign that call for changes in the re-employment rule and express dissatisfaction with the pension freeze.

The leadership of **Lansing, Mich., Local 580** also put out a letter urging members to write the fund calling for an end to the re-employment rule.

Earlier we reported that **Minneapolis Local 120** Vice President Brad Slawson (who is also an International representative) sent a letter to the fund calling for changes in the re-employment rule, and that **Flint Local 332** officers have issued a similar letter.

All local unions should join this crusade. If you are interested in how to make a motion (and suggested wording) to put your local on record, or for copies of letters some locals have issued, contact TDU.

Class Action Suit in Central States

Members to Challenge Re-employment Rule

Teamsters have retained pension attorney Ann Curry Thompson to file a class action lawsuit against the trustees of the Central States Pension Fund, aiming to lift its restrictive and unfair re-employment rule which prevents retirees from working to supplement their pension.

"The rule originally may have had a legitimate purpose," Thompson recently told the national meeting of the Pension Improvement Committee. "It was to prevent someone from taking a Teamster pension then taking work that would undermine the union. But now the rule has become so broad it effectively prevents retirees from doing anything to supplement their pension."

Thompson, of the firm Kelman, Loria, Will, Harvey and Thompson in Detroit, has attended pension meetings in North Carolina, Ohio and Michigan (with more to come) to hear directly from Teamsters how the rules are being applied and how they affect both soon-to-retire and retired Teamsters.

The Central States Fund made the rule even worse, effective July 1, 2002, making it the most restrictive rule in any major Teamster fund. The fund's publication, "Teamwork," contained an article admitting that they wanted the rule to make it harder for Teamsters to retire, thus allowing the fund to pay out less in pensions.

Teamsters and retirees interested in the lawsuit can contact TDU for further information.

Teamsters in various areas have independently taken steps to take legal action over this issue. Now, the class action suit being planned should bring those efforts together.

Teamsters and retirees interested in the lawsuit can contact TDU for further information, or can write to Ann Curry Thompson at 2300 First National Building, Detroit, MI 48226.

A questionnaire is available on-line at www.nopensionfreeze.org. The questionnaires will help provide a picture of the range of problems Teamsters are having with the reemployment rule and help identify Teamsters who want to be represented.

Shake Up at Central States Fund

Executive Director Replaced – What Next?

The Central States Pension Fund, in a bulletin to all local unions dated November 2002, has finally made a comment on the sudden removal of Ronald Kubalanza as director. He was replaced on Oct. 16 by Thomas Nyhan, the fund's general counsel. Unfortunately, the statement gives no reason for Kubalanza's removal, so it raises more questions than answers.

The bulletin goes on to state that reports that initially appeared in *Traffic World* of three union trustees stepping down are exaggerated. The fund reports that Ray Cash is stepping down as one of the five union trustees, and that Phil Young has temporarily vacated his seat. They report Young will come back as a trustee, assuming Cash's position, effective March 31, 2003. Fred Gegare has been appointed to fill the vacant trustee position.

Members deserve answers regarding why the long-time director of the fund was suddenly removed. Lacking honest answers, rumors will continue to spread.

International Union to Issue Report

On Nov. 12 the International Union announced they would retain two firms to perform an independent assessment of the actuarial condition of the Central States Fund. The announcement is clearly timed to try to derail the growing movement of Teamsters demanding pension improvements and relief from unjust re-employment rules.

In fact, the general counsel of the International, Patrick Szymanski, told the *St. Louis Dispatch* on Nov. 18, "We're concerned about how hard the union should push for increased pensions, given increased contributions (from employers)." Szymanski, whose firm is paid millions of dollars per year by our union, seems to know the result of their "study" in advance: no pension increases for members. He didn't publicly comment on the re-employment rule or the increases in payments for retiree health care.

The Central States Fund — like almost all pension plans — has lost assets with the decline of the stock market in recent years.

The officers-only pension plan that covers all International officials and top staff, including Hoffa, Phil Young, (and yes, their attorneys) has no re-employment restrictions whatsoever. It is very much more generous than the Central States Fund, and its benefits go up every time salaries go up, which is every year. It also provides free health benefits for life.

The International Union says the study should be completed early in 2003. We urge them to release the entire study – which members are paying for – not just press releases.

Game Plan Needed

Enforcing the UPS Contract

With the ink not yet dry on the new contract, UPS is already moving forward with plans to undermine new and old language. We will lose further ground if we leave the field to management. If we take steps now to enforce the new contract we will lay the basis for winning more rights.

UPS has a game plan. We need one as well. Here are some ideas that can be adopted by activists, locals and the International Union.

Steps Needed from the International Union

The dues increase gives the IBT more resources than ever. Resources should be put to use now by:

- Setting-up contract enforcement teams in regions, states and areas to coordinate and focus our resources and power. Rank and file UPS Teamsters can be used as special organizers to help coordinate enforcement campaigns.
- Starting aggressive organizing drives at FedEx, Airborne's nonunion operations and UPS Logistics.
- Tracking and making available grievance decisions. Computerized tracking of panel decisions is imperative.
- Working with local unions to establish model enforcement strategies.
- Developing a plan for dealing with smart label technology and UPS logistics.

Strategy for Rank and File Members and Stewards

Get up to speed as quickly as possible. Member discouragement can build if problems are allowed to drag on.

Get, use and distribute the Contract Guide. Even when new contract books get into the hands of members and stewards (and that could take months) it can take time to sort out and find ways to use the new language. The *Guide to Enforcing the National Contract* helps with suggestions on how to attack some problems using old and new language.

Sponsor a contract enforcement workshop. Where a local or the IBT is unwilling to set up a workshop, contact the UPS Committee of TDU and we will arrange one for your area. Get the most out of your workshop by building into it a strategy and goal-setting session.

Organize new member orientation activity. In the so-called "right to work" states stewards have the right to attend new employee orientation meetings to give a rap on the union. Locals and stewards should use this right. And no matter what region you are from, members and stewards can come up with their own orientation plans — like leafleting and talking to newer members in the parking lot.

Get the word out. Expose problems and report on victories. Here are some things you can do to overcome the information brownout:

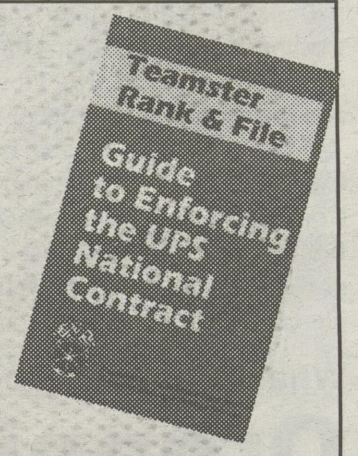
- Hold quick meetings before or after work.
- Post or hand out copies of grievances.
- Gather e-mail addresses and phone numbers and use them to update co-workers.
- Ask that your local union hold craft meetings on a regular basis.
- Use the UPScontractdiscussion @yahoogroups.com list to post info or ask questions.
- Join TDU and get involved in the UPS committee.
- Distribute *Convoy Dispatch*.

Raising the Bar: More Ambitious Plans

Organize days of action or campaigns around specific issues. Back up grievances with petitions, T-shirt days, stickers or parking lot rallies. In responsive locals, work with officials to get backup for these steps. In unresponsive locals, use union meetings, petitions or other steps to press for support .

Organize for positive change in your local. You can use motions at union meetings, bylaw amendment proposals and local union election campaigns to push for positive changes in unresponsive locals.

Start Enforcing the UPS Contract Now!



This booklet explains the meaning of the most important contract articles and gives practical tips on how to use each article to win grievances. It also has a guide to common problems and an appendix with sample NLRB complaints, information requests and more. $8.00 each

Please send me ___copies at $8.00 each.

__Visa__MC

Card # _____ - _____ - _____ - _____ exp date: /

___Check payable to TDU

NAME LOCAL

ADDRESS

CITY STATE ZIP

PHONE E-MAIL

Send to TDU, Box 10128, Detroit, Michigan 48210

Put New Language to Use

Clerks in the bargaining unit. *No later than* Feb. 1, 2003 certain clerks are to be brought into the bargaining unit.

Double-breasting. UPS uses UPS Logistics to handle drop shipments and zone skips. Article 2, Section 4, in addition to other articles, says they can't do it.

Dues check-off. UPS must correct improper deductions within two days of being notified of the problem.

Supervisors working (and coverage system). Penalties have been increased. A coverage system has also been added whereby employees are to sign up for coverage work on the first day of each month. Enforce it.

New technology. New language states that any work that "replaces, enhances or modifies bargaining unit work" will be performed by bargaining unit work. Clerks, smart label repair, maintenance personnel and others can come under this definition.

Monetary awards made within 10 days. Article 7 says management must pay members their awards within 10 days of getting notice of the grievance panel decision.

Fifteen day limit for notice of loss/damage. Article 10 states that UPS forfeits its right to discipline or demand reimbursement from members if they wait more than 15 days (from getting shipper notice of claim) to notify the employee. The same time limit applies to bad checks.

Payroll errors. UPS will pay employees a penalty of one-half their daily guarantee for every payroll period in which shortages are not paid. Enforce it.

Full-time job creation. The number of full-time jobs created under the old contract cannot be reduced (Article 22). Part-time employees will be give the chance to fill full-time jobs on a six-to-one basis (formerly five-to-one).

Overtime. Management will let a minimum of 10 percent of the drivers in a center off after eight hours on a given day.

Over-70-pound packages. No over-70 will move through the system without tape visible from all sides identifying it as an over-70 package.

UPS & Downs

Battle Over Three-Eights in Central

For over 20 years, package car drivers in the Central Region have been able to exercise the right to opt out of overtime three days per month. Now management claims that national language supercedes this important practice. The new wording in Article 37 of the national agreement states that no driver will be granted more than two release-from-overtime requests per month. Presumably our union bargaining team would have addressed or clarified this issue during bargaining, but that doesn't seem to be the case. The logical step is to insist that management live up to the standard set in the Central – of three, not two, chances to opt out of overtime.

Grievances have been filed and should prevail. Article 2, Section 3 of the national ("nothing in this master agreement shall deprive any employee of any superior benefit in their supplement …") combined with the fact that this is a long-standing past practice should preserve the right to three-eights in the Central.

Bumper Stickers Available

A former UPS Teamster is making bumper stickers and other materials to highlight the poverty wages UPS pays many part-timers. Stickers ($5 for 10) may be ordered from Black Thursday Committee, Box 5004, Bear Valley, CA 95223.

The contract's six-year freeze in the part-time starting rate of $8.50 will greatly increase the wage gap over the life of the contract.

TDU Rank & File Convention 2002

"TDU is basically about Teamsters organizing locally, networking nationally, and developing new leaders for the future of the labor movement," TDU Organizer Ken Paff told the 400 Teamsters at the 27th annual TDU Rank & File Convention.

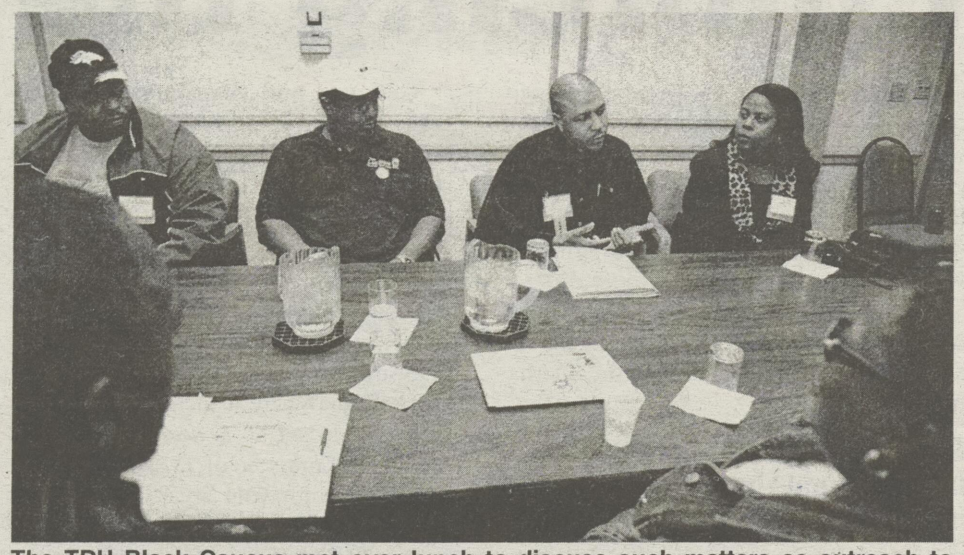
The convention adopted a direction for the coming year with an emphasis on grassroots struggles and leaders. There was plenty of discussion of national struggles, including the upcoming national freight contract, but even more on local struggles, reforms and leadership development.

The convention helped launch the Central States Pension Improvement Committee (see page 4) which is fighting to end the unjust rules that prevent Teamster retirees from supplementing their pensions, and to end the pension freeze.

The convention also provided a forum for discussion and debate on how best to clean up our union and protect our hard won democratic rights. James Hoffa's director of Project RISE was given time to discuss the RISE program, and TDU members asked questions and offered alternative views (see page 7).

The convention discussed how best to reform our union, from top to bottom, through building the TDU movement. And the convention raised $39,000 in donations and pledges to help support Teamster reform.

Most of all the convention provided a place for networking and old fashioned solidarity for Teamster leaders, activists, officers, stewards and concerned members, old and new.



The TDU Black Caucus met over lunch to discuss such matters as outreach to bring more members into TDU, problems involved in starting a chapter of the Teamster National Black Caucus, encouraging and developing new leaders, and future workshops of interest.
The TDU Latino/a and Women Teamsters caucuses also met during the convention to discuss common problems, encouraging new members and setting up networks to keep in touch throughout the year.

What TDU Is All About

Organizing for Rank and File Power

Frank Halstead, a warehouse worker for Ralph's Grocery and a member of Local 572, was one of many rank and file activists and leaders who spoke at the TDU Convention. He talked about the fight for a good grocery contract in Southern California. Seven locals there represent about 8,000 members at eight companies. Below are excerpts from his comments on their fight to protect their contract.

The members were completely shut out of the contract process. There were no rank and filers on the bargaining committee. There was no communication with the members whatsoever.

About nine months before the grocery contract expired, other TDUers and myself tried to get the members involved and tried to put together some sort of coordinated contract campaign. But we weren't able to because the old guard leadership just really beat down anybody who was trying to work with us.

About 10 days before the expiration of the contract, the company gave the officials an offer that was completely concessionary, with a lot of takebacks. The contract negotiations broke off. The leadership came back to the locals and had emergency stewards meetings. One of the first things that my principal officer said was, "Are the members ready to strike?"

Let's see, ... No communication. No plan. No preparation. No, the members were not ready to strike!

On the Sunday that the officers of Local 572 were at a charity golf outing, the companies put an ad in the major newspapers announcing job openings for strike replacements.

We started mobilizing. We spread the word. We let members know that we were going to have a demonstration to stop the recruitment of scabs. The company made a fatal mistake, they gave us two days to organize. We did. A core of TDUers and other activists got involved.

John Zartman and Robert Linkenhoker enjoying a speaker at the TDU Convention.

I called Tom Leedham to ask for help with plans, because we needed some guidance. He gave me all the information and all the help that anyone could ask of a leader.

We were able to organize over one hundred rank and filers to show up at six in the morning. We had our signs, "Job Information, See Us First." We had our flyers, and we had our bull horn.

A day before the demonstration our local leadership agreed to support it. They had reservations about looking weak, but I said, "If we don't show the company something, they're going to know we are weak."

They showed up, and that helped.

It turned out to be a big success. Normally when they run these ads, they get around 1,000 applicants. This time they got around 400. The members were energized. That was a great day.

We followed that up with what we called Teamster Day. At our warehouse over 100 workers wore Ready to Strike t-shirts. We all wore buttons that said Respect is a Teamster Contract. Everyone wore something to show the company that we were united.

The following Friday was the strike deadline. Negotiations were still in progress. We ended up having a parking lot potluck at 10 p.m., with the strike deadline at midnight.

When the company saw us all pull up there and open up our tables and put out pizza and chicken and ribs, they said, "What are you guys doing?" We said, "We're having a strike preparation meeting." They said, "You can't do that!" We said, "Watch us!"

They had already hired Nuckolls, Inc., this union-busting outfit. They sent out these security goons to the parking lot and said only 10 of us could stay there. There were already 50 of us. There were only five of them. We told them to figure it out; we're not leaving. So the whole crew emptied out at midnight; they didn't know if we were going out on strike. The negotiations ended up going through the night and we got a tentative agreement at 7 a.m.

"One thing's for sure. We did more than we've ever done before with the help of TDU and Tom Leedham."

It wasn't a great contract, but we didn't get set back, either. One thing's for sure. We did more than we've ever done before with the help of TDU and Tom Leedham. Three years from now, we're going to be better prepared not only to hold our leadership accountable but to take on the company and get the kind of quality contract members deserve.

TDU Convention Discusses Project RISE with Director Ed Stier

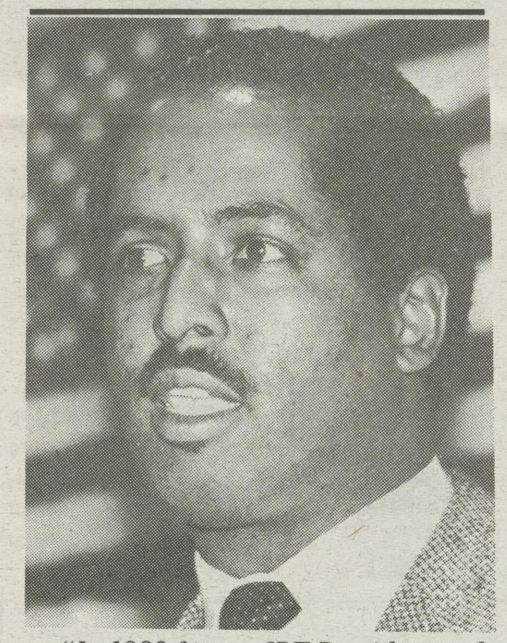
Rooting Out Corruption or Undermining Democracy?

Can Project RISE root out Teamster corruption even when the corruption implicates top Teamster officials? Does it pose a threat to free and fair elections for International officers?

Those were two of the hottest debating points when Ed Stier, director of the Hoffa administration's anti-corruption program, addressed the TDU Convention.

Stier outlined RISE's goals and gave a progress report on its development. TDU Convention attendees responded with questions and concerns. His presentation came on the heels of RISE's recent publication of a 614-page investigative study of organized crime influence in the union entitled *The Teamsters: Perception & Reality.*

Members raised three main concerns about RISE: its narrow focus on organized crime; its lack of enforcement power independent of the Teamster General President; and, Hoffa's use of RISE to undermine free and fair elections for International officers.



"In 1983 former IBT President and Local 41 President Roy Williams testified to the fact that local Kansas City mob chieftan Nick Civella had a tremendous influence over the day-to-day activities of Teamster Local 41. Twenty years later, of course, Williams, Civella and others are gone. Yet Local 41 still operates with the heavy-handed tactics and the ethics of the political machine. The patronage system still threatens and intimidates members who are not in lockstep with Local 41's agenda. Many have lost their livelihoods, been blackballed, have been physically assaulted, so I'd just like to know, what's the difference?"

Michael Savwoir
Local 41, UPS, Kansas City

Corruption and La Cosa Nostra

"The focus that you have on La Cosa Nostra really misses the point because there is still a lot of corruption in our union, corruption that has gotten very close to the General President himself."

Stephen Ostrach, Local 206

Stier warned TDU Convention attendees that, "Organized crime has not been eradicated in the United States and it has not been eradicated totally in the union.

"One of the report's objectives was to identify any of the remaining elements of organized crime that are left in the union. That has been done," Stier said.

TDU members speaking from the floor raised concerns about Teamster corruption that go beyond organized crime.

"The focus that you have on La Cosa Nostra really misses the point because there is still a lot of corruption in our union, corruption that has gotten very close to the General President himself," said Local 206 member Stephen Ostrach, referring to top Hoffa associates who have been ousted for corruption, including Hoffa's former running mate Billy Hogan and his Special Assistant Dane Passo, who were ousted for trying to negotiate a sweetheart contract.

"You make the point over and over again that organized crime may be largely out of the union," Minnesota Local 320 member Erik Jensen told Stier. "But as we've seen with the Hogan/Passo situation, corruption — and heavy-handed attacks on members and officers who speak out against corruption — exist at the highest levels of the union.

"With RISE, the final authority rests with an administration that protected and promoted these corrupt officials. That doesn't exactly inspire a lot of confidence," Jensen said.

Advisory Not Independent

RISE was supposed to have its Code of Conduct and enforcement procedures in place two years ago. Under the proposed RISE enforcement procedures, RISE would only have the power to issue findings and make recommendations. The final decision would lie with the General President.

Stier said the RISE enforcement system, "has been put on hold pending the negotiations between the union and the Department of Justice."

"It's clear to me that what is necessary is a system that includes elements of independence and professionalism to assure there is some distance between the political leadership of the union and those charged with enforcement in areas that are highly politically sensitive," Stier said.

He provided no details.

"We'll see how that works out," Stier said.

"We're not interested in a program where the ultimate authority lies with the General President whether it be Jim Hoffa or Tom Leedham," said Stephen Ostrach, member of Oregon Local 206.

The Future of Fair IBT Elections

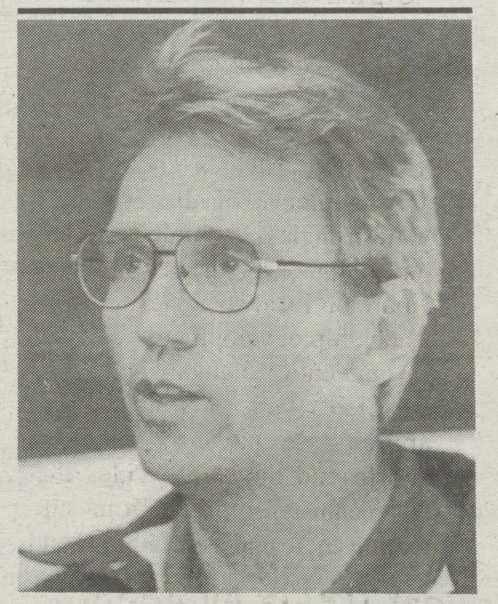
Numerous TDU members expressed concern about the impact that RISE will have on future IBT elections.

Hoffa launched the RISE program to help persuade the Department of Justice to end the consent decree — the legal settlement between the government and our union. The decree gives the Justice Department a role to play in securing independently supervised elections for International officers with fair rules.

Without the consent decree, the existing election rules and independent supervision of Teamster elections goes out the window. Instead, under changes pushed through by Hoffa delegates at last year's Teamster Convention, the General Executive Board will write the election rules and choose the election monitor.

Stier tried to assuage members by saying their election rights will be safeguarded by the U.S. Attorney's office.

"Whatever happens with respect to future International elections — that is the procedures, the mechanisms, the procedures for the selection of an election officer, what the rules are — that is going to be negotiated with the U.S. Attorney's office. It is not something that is going to be imposed unilaterally by the union," Stier said. "Knowing the people in the U.S. Attorney's office as well as I do, I have confidence that they are going to try to assure in those negotiations that future International elections will be conducted under conditions that will provide a fair opportunity to challenge those who are in authority."



"I agree with the point you made earlier that there are still pockets of corruption within the International Brotherhood of Teamsters. The people in this room agree with that. The people at last year's Teamster Convention, including the people who pay you, don't agree with that. They wrote into the preamble of the constitution, and it was passed in spite of our objections, that the union is now corruption free and their job is to maintain a corruption-free union. So if the people who are supposed to supervise themselves believe there is no corruption, that's a bad sign.

Joe Fahey
Local 912 President
Watsonville, Calif.

But TDU members expressed doubt.

"We're in a circular argument here," Watsonville Local 912 President Joe Fahey told Stier. "You say, 'Don't worry, the government will protect fair elections.' But the RISE program is supposed to be a comprehensive program to root out the government. So if the goal is to root out the government, how can you say when it comes to our most important issue, fair elections, 'Don't worry, have faith in the government, they'll take care of it.' "

"The Hoffa administration is dedicated to eliminating elections. Now if they get rid of the consent order, they'll have that control," said TDU National Organizer Ken Paff. "Yes, this will be negotiated with the U.S. Attorney's office. What do you try to do in negotiations? You try to up your bargaining power. RISE is one of the tools Hoffa is using to do that."

"RISE might have other aspects that are very positive but one of its roles is to undermine the Consent Order and destroy our right to vote," Paff said.

January Is the Month to Propose Reforms in Local Bylaws

Amend Bylaws to Strengthen Members' Rights in Your Local Union

If you're looking to strengthen members' rights in your local union, the January membership meeting may be important to do just that.

In many Teamster locals, January is the only month that members can propose changes to local union bylaws. In locals across the country, members have taken advantage of that opportunity to propose and win important reforms that strengthen our locals through democratic reform.

Until last year, the members of Colorado Local 961 didn't have the right to elect their shop stewards. Instead, all stewards were appointed by the local executive board. More than 1,800 workers at the Excel plant were represented by just a half dozen stewards!

Local 961 Teamsters proposed and won changes to their local bylaws to establish a minimum ratio so that there would be a minimum of one shop steward for every 100 members. The bylaws amendment also gave members the right to elect their stewards.

How do bylaws work? What kinds of bylaws reforms can be proposed? What is the process for getting these reforms approved?

Bylaws in a Nutshell

Your local bylaws are the constitution of your local union. The bylaws establish the rules by which your local is governed. These rules cannot contradict the Teamster Constitution or the law. Otherwise, members are free to change the bylaws to establish the kind of local governance they want.

Bylaws Reforms

Members have proposed and adopted a wide variety of bylaws reforms. For example:

- **Elected bargaining committees:** In many locals, members elect rank-and-file workers to serve on the bargaining committee that negotiates their local contracts. But in other locals, members are denied this right. That can be changed by amending the bylaws.
- **Right to an informed contract vote:** In locals where members have been forced to vote on contract offers without complete information, members have won bylaws changes to give them the right to a complete copy in writing of all proposed contract changes in advance of any contract ratification vote.
- **Right to vote on officers' salaries:** In some locals, officers vote on their own salaries, while in other locals these salaries must be put to a membership vote for approval. You can establish members' right to vote on officers' salaries and allowances through an amendment to your local bylaws.

Through bylaws reform, you can secure the right to independently run mail-ballot elections for local officers, establish a shop stewards' council, establish a Business Agent Code of Conduct, or require that contracts and union documents be available in Spanish or other languages spoken by your local's members.

Proposing Changes to Your Bylaws

The mechanics of proposing a change to your local union bylaws are simple, but they can vary from local to local in the details.

Most locals require changes to be submitted at the January meeting on a petition that is signed by a minimum number of members. The proposed changes are read at the January meeting and the following meeting and then voted on at the third meeting of the year — the March meeting if your local meets monthly.

If you are serious about proposing a change to your local bylaws, then you need to check out the details of your local union's procedure right away. The rules can be found in the bylaws in the section on amendments.

If you don't have a copy of your bylaws, you should request one from your local union.

Your local is required by law and the Teamster Constitution to provide you with a copy. If printed copies are not available, they must provide you with a photocopy. If you have any problems acquiring a copy, contact TDU immediately for assistance.

Campaigning for Change

It's easy to propose changes to your bylaws, but to win the changes you will need to mount an effective campaign that informs and mobilizes members to support it. Here are a few tips to keep in mind.

- **Keep it simple:** You need to pick your issues carefully. Common mistakes include proposing complicated changes, or too many changes at once which confuse members. To maximize your chances of success, you need to choose an issue that is of concern to other members.
- **Spread the word:** Once your change is proposed, you need to get the word out to other members. A leaflet that clearly explains the issues is a must.
- **Involve others:** In addition to winning concrete changes, a bylaws reform campaign can help break down apathy and get members talking to each other and involved. Collect the names and phone numbers of members who express interest. Seek their help in passing out flyers, talking to their co-workers and mobilizing members to attend the vote.
- **Mobilize for the vote:** Getting out your supporters on the day of the vote is the most crucial and challenging task of all. Making reminder phone calls and organizing carpools for your key supporters can make the difference.

TDU has 26 years of experience organizing for bylaws reform and membership rights. Do you have questions on procedure or proper wording? Want organizing advice? Need help with literature? Contact TDU at 313-842-2600 or on the web at www.tdu.org.

Empty the Strike Fund into the General Fund

Seattle Local Officials' Creative Accounting

Seattle Local 174 officials had a problem: they'd been overspending their income by about $13,000 a month, and the treasury was almost gone. In fact, they only had anything left at all by avoiding payment of their legal bills for nearly a year, some $104,000.

So they took $400,000 from a fund designated solely for "strike and lockout benefits payable to members," rather than fix their mismanagement. And they tried to cover it up.

Local 174 Trustee Dan Scott investigated the matter, and made the deal public to the members. In a letter dated Nov. 4, Scott pointed out to Secretary-Treasurer Scott Sullivan that he had run the treasury down from $279,000 to nearly zero, and that Sullivan was about to raid the strike fund of Local 741, which was merging into 174, of $400,000. Thousands of the letters have been distributed to members.

Merger Trickery

Local 741, the Seattle freight local, voted to merge into Local 174 after CF went out of business. The members were never told that this wasn't just a merger, but a cashout of their strike fund, built from a special assessment of the members.

Both locals have had a strike fund, both legally separate from general funds. But the officials claim that the merger allows the raid of the Local 741 strike fund to continue their overspending.

As a result of Dan Scott's courage in blowing the whistle on the raid of the strike fund, the officials have launched a vicious attack on him. This is related to the fact that they have also been sued by the U. S. Department of Labor for obtaining office in an election that was tainted when IBT President Hoffa took control of the count and his representative illegally ruled out valid ballots. The Labor Department will likely prevail in court and take control of the next local election in 2003.

Members of both locals are shocked and angry. The International Union has been informed; we will see if the Hoffa administration approves of raiding the strike fund. If so, can we expect the same to happen with the strike fund established by the recent dues hike?

Members are also considering possible legal action. Most importantly, they are looking forward to the upcoming election.

Keep Your Workplace Informed

Order a Bundle of *Convoy Dispatch*

CONVOY DISPATCH
VOICE OF THE TEAMSTER RANK AND FILE SINCE 1975
Oct./Nov. 2002 #205
Teamsters Launch Movement to Win Pension Increases
If You Want to See Change in Our Union, Join TDU
Also in this issue ...
Will there be an investigation into CF's destruction?..... p. 4

Prices per issue are

___ $4 for 10, ___ $6 for 20, ___ $9 for 50, ___ $13 for 100

Name _____ Local _____

Address _____

City _____ State _____ Zip _____

Return to: TDU, Box 10128, Detroit, MI 48210

Members Elect Reform Slate to Lead Colorado Local

Given a chance to vote for change, the 3,000 Teamsters in Colorado Local 961 didn't miss the opportunity. In November they elected all seven candidates on the United for Change Slate by a 54 to 46 percent margin over the incumbent officers.

Key issues in the election were member complaints about weak union representation and financial mismanagement. Local 961 officers were systematically overcharging hundreds of members in dues.

"Local 961 members who are being improperly charged too much are going to have their dues reduced to the correct levels," said President-elect Dick Gebhardt. "We are going to run a financially strong local, but we are going to do it fairly."

Year-Long Campaign

The reform victory culminates a year-long campaign by Local 961 members, organized into TDU, to strengthen their union by involving rank-and-file members.

The movement for change began at the Excel meatpacking plant in Fort Morgan, Colo., that employs 60 percent of the local's members, most of whom are Latino immigrants. For the last year, Excel members have been holding regular TDU meetings and educational workshops where they learned about their rights and planned reform campaigns.

Bylaws Change

In March, workers successfully mobilized more than 200 members to carpool 70 miles to a union meeting where they voted to reform the Local 961 bylaws to give members the right to elect their shop stewards.

NLRB Charges

After the bylaws victory, Excel management illegally banned the distribution of TDU literature and disciplined TDU activists for passing out information. Members filed NLRB charges and continued to distribute information despite the ban.

The NLRB took the case and prepared to go to court. Management backed down and agreed to rescind the discipline and post a notice saying that it would not interfere with TDU or union organizing or the distribution of TDU or union information.

As victories mounted, the reform movement spread to other companies. The United for Change Slate brought together Teamsters from Excel, ConAgra and Roadway. Support for the slate spread to other workplaces.

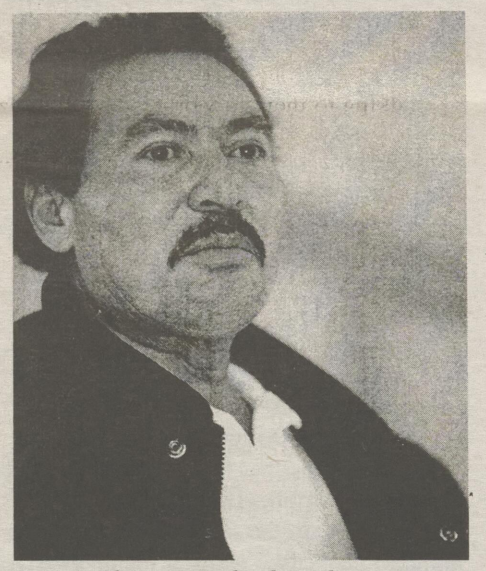
High Turnout, Member Involvement

Turnout in the November balloting was high. Nearly four times as many Local 961 members voted in the local election as in last year's election for International officers. The rising tide of member involvement made the difference in the election.

"Our job now is to bring everyone together so our local is strong, united and active in defending members' rights on the job," Gebhardt said. "I want Local 961 members to know that whether you voted for us or against us, Local 961 is your union. We are going to strengthen union representation and involve the rank-and-file."

"Our job now is to bring everyone together so our local is strong, united and active in defending members' rights on the job. I want Local 961 members to know that whether you voted for us or against us, Local 961 is your union. We are going to strengthen union representation and involve the rank-and-file."
Dick Gebhardt
Local 961 President-elect

"This election is a great opportunity to make positive changes," said Secretary-Treasurer-elect Santos Chavez who works at Excel. "For the first time, the meatpacking workers at Excel and Monfort Lamb will have an equal voice with the other members of this union. United, we can build a stronger union that fights for all of us."



Santos Chavez, newly elected secretary-treasurer of Local 961, addressed the TDU Convention on Nov. 1. He told how TDU helped the workers at Excel become organized to improve conditions in their plant, and to join with others to run for office. He predicted they would win the election, and spoke of what then needed to be done.

"Winning the election is not the end. It's just the beginning.

"I tell the people, after we win this election, that's when the real battle will begin in this plant. I tell them it won't be up to the new leaders to win the fight. It's up to all of us.

"We are going to fight the abuses in our plant by organizing, involving and educating the members."

L.A. Sanitation Workers Gearing Up for Battle

The 2,000 sanitation workers who are members of Local 396 in Los Angeles County have more than the usual garbage to deal with these days. The contract that covers them expired on Sept. 30 and the employers are trying to treat them like the trash they collect. The members overwhelmingly, by 80 percent, rejected the companies' last offer because it did not address the core issues of: family time, public safety, discrimination and job security. Employees are required to work unreasonable amounts of forced overtime, robbing them of quality time with their families. Rafael Cardenas, an employee of BFI in the valley says, "Our wives feel like single parents and our kids grow up without us. We need to be there for our families."

The employers also require drivers to drive while fatigued, a huge risk to the public. "We drive in schools and communities where children and adults are walking," said Jose Morales, a Waste Management driver in Sun Valley. "We have to be aware of what's around us so no one gets hurt. When we are fatigued the bosses don't care, they make us stay and finish no matter what."

Discrimination and favoritism with job assignments are routine. The workers want strong seniority and bidding language to stop the abuses by management.

Management also wants to toss the drivers out like the trash they collect if their insurance company says so. "You can have a valid drivers license and they still will be able to fire you," said Frank Clemente, a Waste Management driver in Sun Valley.

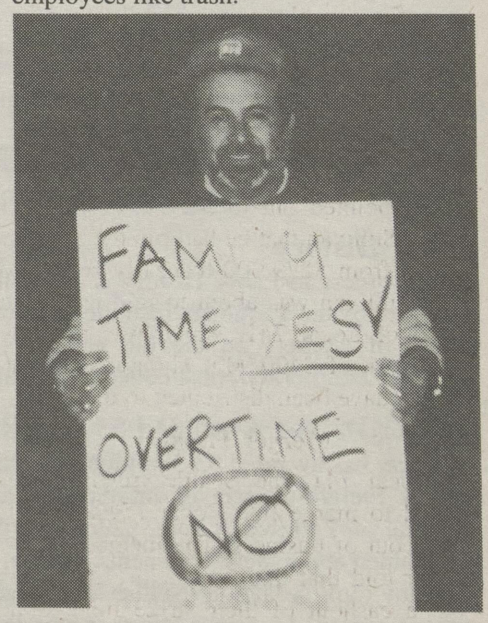
The companies have waged a PR campaign against the workers for rejecting the last offer. They are exaggerating how much money sanitation workers make and comparing their wages to police officers, firefighters and teachers. "They had better check their facts," says Luis Cruz, a Waste Management driver. "We work twice as many hours to earn half of what police officers, firefighters and teachers make."

Officers Lose Election, Abandon Workers

To make matters worse, the current leadership recently lost the local officers election and has abandoned the workers. They are refusing to continue bargaining, choosing to do nothing for the rest of their term and leave it to the new officers in January. This is a huge dereliction of duty. The period before Christmas is the best time to strike, giving the workers optimum bargaining leverage.

Even with all this going on and so much uncertainty, members are organizing to take on the employers and get the quality contract they deserve. By forming a member-to-member communication network, putting together smart strategies, holding meetings in the park and demonstrations in front of the various work sites, issuing worker press releases, and doing-community and customer outreach, the sanitation workers are going to get their message out to the public.

With a strong work force and community and customer support, the employers are going to learn that they can't treat their employees like trash.



Hoffa Imposes 'Partial' Trusteeship on Local 299 Convention Sector

Effective Nov. 4, 2002, General President Hoffa imposed an emergency "partial" temporary trusteeship for the affairs of Local 299 related to the exposition workers employed at Cobo Hall. International Rep Dennis Hands was named as trustee.

Hoffa accuses the local of a number of improprieties to justify the emergency trusteeship. The IRB has already been investigating operations at Cobo, Detroit's exhibition hall.

The Notice of Trusteeship alleges that some Local 299 members at Cobo have set up their own company — Exhibition Workers Corporation (EWC) — which then contracts with a temp agency to supply casuals. The local exercises no control over this operation.

EWC siphoned off excess payments from contractors to a "Target Fund." Similarly, pension and health and welfare payments made on casuals have been siphoned off into a "Severance Plan" that makes payments to regular-list Teamsters at retirement. The local has no control of these plans, both of which are the subject of a pending criminal investigation of the local's exposition workers.

The notice also alleges that as a direct result of the local's failure to enforce its contractual jurisdiction for one annual show, work covered by the applicable agreements has been assigned to nonunion workers.

The failure of the local to have clear published guidelines regarding hiring and job referrals, or to provide for their enforcement, has led to discord among the members and a litany of grievances filed by members who claim they have been wrongly deprived of work.

Local Union Response

At the local's November freight meeting, President Don Smith, Secretary-Treasurer J.D. Jackson, and business rep Ken Kwapisz responded to a number of questions raised by members. Smith steadfastly denied any prior knowledge of the allegations that prompted the investigation.

He stated that when allegations regarding Cobo Hall came to his attention, he acted immediately, and requested assistance from the International in addressing the problems at Cobo.

Smith stressed that the irregularities at Cobo Hall go back many years, long before his administration, and noted that the local is cooperating fully with all investigative efforts.

Trustee Dennis Hands was not present at the meeting. A hearing will be held on the trusteeship on Dec.5, where all Local 299 members can be heard on the issues.

Interestingly, relatives of such top Teamster officials as James Hoffa, Joint Council 43 President Larry Brennan, former International Rep Mike Bane, International Rep Dennis Hands, Michigan Conference Health & Welfare Trustee Bill Bernard, former International rep J.D. Jackson and others have worked at Cobo Hall over the years, and may have useful knowledge of Teamster activities at the exposition center. This fact was missing from Hoffa's trusteeship report.

At a recent stewards' meeting, some stewards noted that this seems to be the first time a local has been placed in "partial" trusteeship, and some have attacked it as a political move by the Hoffa administration against Local 299.

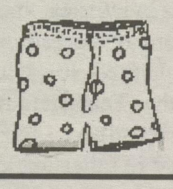
New Approach

A new Teamster approach to Cobo Hall could make it a model hiring hall representing both Teamster power and democracy. Clear and fair hiring guidelines are needed that can benefit regular exposition Teamsters and casuals.

Exposition work can be a center of solidarity, providing work for laid-off Teamsters, strikers and others. This is just as true at exposition halls in other cities. Teamsters in Las Vegas, Chicago and other cities may face similar irregularities or practices.

Hoffa claims that he will address these issues in Detroit. If informed, perhaps Hoffa, would do the same in your town. As in the Motor City, Teamster members have to take the first step.

Teamster Shorts



Life Imitates Art

Fledgling filmmaker Daniel Provenzano recently pleaded guilty to criminal behavior very similar to that depicted in his forthcoming movie about the mob. While head of a printing company, Provenzano found out that a sales representative had stolen $9,000 from the company. Feeling the need to "set an example" he had another employee drive the representative to the hospital and break his thumb with a hammer in the parking lot. Provenzano also admitted beating up a client who owed him money.

Provenzano is the grandnephew of Tony Provenzano, a former Teamster official who was suspected in the disappearance of James R. Hoffa and died in prison after a murder conviction.

Public Workers Under Attack

Congress just approved President Bush's plan for a Homeland Security Department, giving the President the authority to override civil service rules and remove workers from union representation under certain circumstances.

Now the Bush administration is proposing to open nearly half the civilian jobs in the federal government to competition from private companies over the next few years. Many good union jobs would be put in jeopardy as private companies bid for the work using low-paid workers with few if any benefits. Bobby Harnage, president of the American Federation of Government Employees, predicted the proposal could lead to "significantly reduced living standards for those who do government work," especially janitors, gardeners and security guards.

Problems on the Front Lines

Hundreds of new federal airport screeners, hailed as the front line in the war on terrorism, are facing payless pay days and other bureaucratic snafus. According to the American Federation of Government Employees, which is trying to organize screeners, workers are having problems with missed checks, schedules subject to unpredictable changes, and not getting credit for overtime and training hours.

Unemployment Expiring for Growing Number of Workers

The total number of people who have run out of temporary federal benefits has increased to nearly 1.5 million, according to a new report by the Center on Budget Policy and Priorities. The 13-week extension of unemployment benefits for laid-off workers who qualify, approved by Congress in March, is set to expire on Dec. 28. According to the report, if Congress and the President do not act to extend the program, "three million unemployed workers will be left with neither a paycheck nor unemployment benefits for at least part of the next five months."

Yahoo! Union Busting

Janitors in Silicon Valley have reported that Yahoo!'s cleaning company, Team Services, has been interrogating, threatening, and even firing those who support a unionization effort. Team Services faces almost a dozen pending legal charges. The Service Employees (SEIU) have been asking the public to tell Yahoo! to pressure their contractor to obey the law. Go to www.boohooyahoo.com for more information.

Labor History

Eyewitness to Labor History is an exhibit of labor photographer Sam Reiss's work, presented by the Tamiment Institute of New York University. The exhibit features classic photos of workers on the job and on picket lines in the 1950s and '60s. Go to www.nyu.edu/library/bobst/collections/exhibits/tam/reiss/opener.html .

Denver Driver Awarded $3.3 Million in Discrimination Suit

A jury has awarded $3.3 million to a Denver truck driver who accused supervisors at Yellow Freight System of intimidating and harassing black employees. Matthew J. Antoine, of Yellow's Aurora, Colo., distribution center, said he and others repeatedly complained about racist comments, graffiti, and even a noose placed in his trailer, but the company took no action. Neither the judge nor the jury believed Yellow's claims that management made serious efforts to stop the harassment.

What's a Stronger Union Worth To You?

That's a real question. Building a stronger Teamsters union takes a lot of work. It takes a lot of energy. You have to be in it for the long haul. That's how TDU's been able to stay the course for over 26 years now.

It also takes money. TDU is only able to do the work it does because of the generous financial contributions our hard-working members make towards building our movement. Every dollar makes a difference.

We don't need the kind of money the old guard spends to build our movement, because we squeeze every last drop out of every dollar we spend, so that it all goes towards strengthening our movement and our union.

At the TDU Convention in Cleveland, members dug deep, and together we raised over $39,000 in donations and pledges to build our movement. That money will go a long way towards helping us reach our goals in the coming year.

Even if you missed the convention, you can still help make sure our movement keeps going strong by making a contribution to TDU. Call us to find out how, or visit our website at www.tdu.org to make a contribution online.

Strike Strategy: Countering Permanent Replacements

Robert Schwartz
Labor attorney, Boston

Unions that cannot credibly threaten to strike are not likely to have success at the bargaining table. One of the reasons unions refrain from striking is a fear that striking workers will be permanently replaced. An infrequent phenomenon prior to the 1980s, employers have increasingly turned to this scheme since President Reagan replaced 12,000 air traffic controllers in 1981. What can a union do to reduce the likelihood that an employer will pursue the permanent replacement scheme? How can it undermine the scheme or even make it backfire?

The most effective union weapon is vigorous organizing. If the union can maintain strong strike participation, the employer may not be able to go forward with replacements because of its dependency on workers' knowledge and skills.

The union can also take steps to gain unfair labor practice strike (ULP strike) status, thereby protecting workers' jobs and putting the employer at risk of incurring back-pay liabilities. To understand this approach, we need to review the labor law rules that apply to economic strikes and ULP strikes.

Economic Strike

An **economic strike** is a work stoppage whose sole cause is a union's unaccepted demands for higher wages, benefits or other improvements. During an economic strike, an employer can hire permanent replacements.

When the strike concludes, replacements may be retained in place of strikers. If replacements fill all jobs, strikers are placed on a preferential rehire list.

Unfair Labor Practice Strike

An **unfair labor practice strike** is a work stoppage wholly or partially caused by an employer's violation of the National Labor Relations Act. An employer is not permitted to hire permanent replacements during a ULP strike. An economic strike is said to *convert* to a ULP strike if a ULP committed during the strike prolongs the stoppage.

When a union ends a ULP strike and makes an unconditional offer to return to work, the employer must reinstate strikers within five days (except for workers who committed serious misconduct during the strike). Replacements must be dismissed even if they were promised permanent employment. (These rules do not apply to workers replaced *before the employer committed the violation that made the action a ULP strike.*) If the employer fails to reinstate ULP strikers, the strikers are entitled to back pay from the date of their offer to return.

The ULP Strike Strategy

The ULP strike strategy involves three steps. First, the union must identify an employer unfair labor practice. Second, the union must file an NLRB charge and establish the ULP as a factor in the strike. Third, the union must let the employer know that if it hires permanent replacements, it faces a battle with the union as well as the likelihood of an NLRB order imposing back-pay liability or a decision by the union to return to work to conduct its campaign from the inside.

Identifying Violations

Employer violations that can establish a ULP strike include:

Prestrike Violations

- Surface bargaining
- Insistence to impasse on a permissive bargaining subject
- Refusal to supply bargaining information (the union should submit *detailed information requests* during bargaining)
- Refusal to supply economic data if the company has asserted an inability to pay union demands
- Implementation of a final offer prior to reaching impasse
- Threatening workers with termination if they strike

Midstrike Violations

- Refusal to meet or bargain
- Telling employees they have been permanently replaced before replacements are hired
- Discharging strikers for conduct which is tolerated from supervisors, crossovers, or replacements
- Failure to hear grievances during the strike
- Refusal to provide information needed by the union to process grievances
- Insisting that strikers not accrue seniority during strike while nonstrikers do so
- Permanently reassigning work outside the plant
- Violence or threats of violence by guards or supervisors
- Refusal to allow strikers to distribute literature on company sidewalks, parking lots or other outside property areas
- Videotaping or photographing peaceful picketing or rallies
- Direct dealing with individual strikers
- Refusal to provide information about strike replacements

A union that is unable to establish a strong ULP claim before the contract expires may want to delay calling a strike. In the absence of a contract, the employer is more likely to commit ULPs, especially bargaining violations. As the management-rights clause in the contract is no longer in effect, management must notify the union and bargain to impasse before adopting new rules, policies, schedules, or other changes in employment.

Establishing the ULP as a Strike Factor

Economic strikes are not automatically converted to ULP strikes upon an employer's commission of an unfair labor practice. To establish that the ULP was one of the reasons the strike was called or a settlement was delayed, the union should raise the ULP at the bargaining table, discuss it at union meetings, and include it in the strike vote. Picket signs, leaflets and press releases should refer to the ULP.

Putting the Employer on Notice

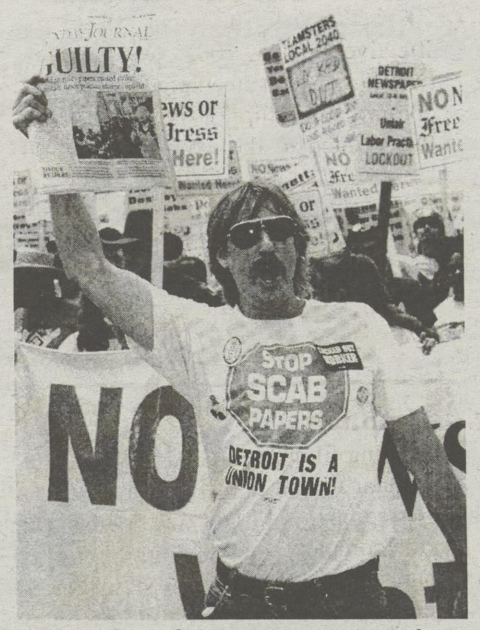
The union should warn the employer that hiring permanent replacements could have negative consequences.

▶ First, the union will mobilize its members to respond to this threat.

▶ Second, the employer will have to pay for unemployment insurance payments for the replaced employees.

▶ Third, the union may make an offer to return to work which will present the employer with two difficult options:

▶ Allow the strikers to return to work where the union will carry out an inside strategy including informational picketing, work-to-rule, and a steady filing of ULP charges.

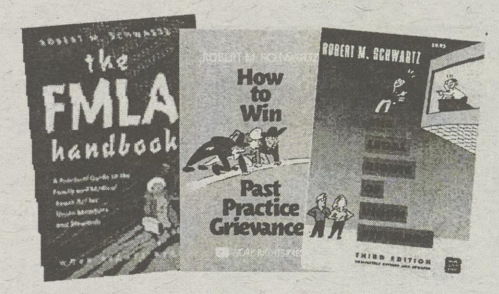


When Detroit newspaper workers made an unconditional offer to return to work, the strike became a lockout.

▶ Refuse to allow the strikers to return which will potentially subject the company to an NLRB order requiring back pay to strikers from the date of the union's offer to the date strikers are reinstated.

(This is an abridged version of a paper prepared for the 2002 TDU Convention. The author is currently working on a book-length guide to picketing, strikes, and boycotts.)

Books by Robert Schwartz



Attorney Robert Schwartz is the author of several books that are invaluable to union activists. TDU is pleased to make these resources available.

Please indicate quantity of each publication ordered.

____The Family and Medical Leave Handbook $9.95 each

____How to Win Past Practice Grievances $9.95 each

____The Legal Rights of Union Stewards $9.95 each

___The Labor Law Source Book $15 each

Total $_____ ❑ check or money order enclosed

Visa/MC _____ exp.___/___

Name _____ Local _____

Address _____

City _____ State ____Zip _____

Return to TDU, Box 10128, Detroit, Mich. 48210

Building TDU: New Members Speak Out

Whether it's information, advice, or strategies for getting members involved, rank and file Teamsters who want a stronger union turn to TDU to get the tools they need. And there's no better place to get those tools than the TDU Convention.

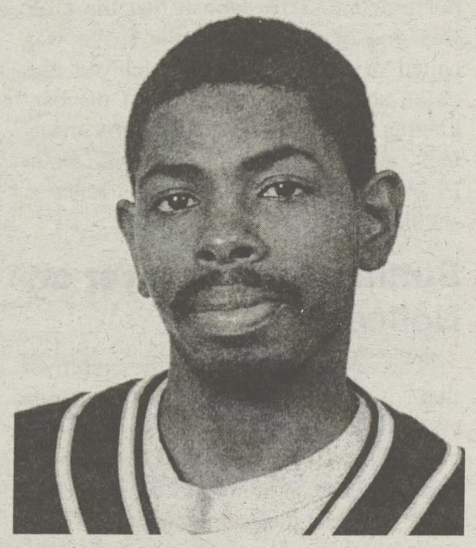
We asked three TDU members attending their first TDU Convention to talk about what got them involved, and what they're doing as Teamsters concerned with reforming our union.

Building Communication at Work

"I decided to join TDU because I was searching for information. Ignorance helps UPS keep the upper hand on the job and keep violating the contract. I wanted to be able to educate myself and to educate others, so that we can all have our voices heard. The information I got from TDU was a lot more and a lot better than what I was getting from my union officers or anywhere else.

"After I joined, the guy who recruited me convinced me to come with him to the TDU Convention in Cleveland. I'm really glad he did, because I came back really energized. The convention was a very welcoming experience. People were open to new ideas, new approaches, like our union as a whole should be. I especially enjoyed hearing fellow TDUers like Millie Gonzalez from Puerto Rico talk about their struggles. It can get frustrating when you think you're all alone, so when you see people in those kinds of tough situations and able to persevere, you realize there's a lot you can do.

"Now that I'm back from Cleveland, I'm working to set up meetings for UPS part-timers, to help us communicate with each other about what management's up to. I talk to people about TDU every day. They may not join right on the spot, but it



gets them thinking, and makes it more likely they'll join the next time I ask them about it.

"I think the benefits you get from being a TDU member are invaluable. It helps you on the job, because you can defend yourself with information if the company tries to violate the contract. And that information is something that nobody can take away from you."

Lee Johnson
Local 728, UPS
Atlanta

TDU's the Place for Reliable Information You Can Put to Work

"We used to go to TDU meetings several years ago, but we let it go. But we recently decided to join TDU because we realized we just weren't getting the information we need down here. We also really value the support you can only get from being a TDU member.

"TDU was an especially big help for us in Local 988 when a group of us decided to run for office this year. We didn't win this time, but we learned a lot that we'll be able to put to work the next time around.

"We came to the TDU Convention this year because the craft meetings and workshops are really first-rate. We found the freight meeting and the workshops on organizing and labor law particularly valuable. That's where you get the tools you need to bring other people into the fold, which is a real challenge in a right to work state.

"Now that we're back from Cleveland, we're working together with other TDU members to hold meetings and start up a chapter. We're involved in the freight contract now, trying to keep members informed and build some member involvement.

"If getting reliable information you can put to work is what you're looking for, TDU's the place to find it."

Wayne Seale and Patty Ballon
Local 988, Roadway and ex-CF Houston

TDU Gives You the Tools You Need

"I joined TDU because I was looking for a way to get more knowledgeable about the union. I used to just let my husband take care of union issues, but when UPS fired him, I realized that we all need to learn how to make the union stronger.

"My husband told me about the TDU website, so I checked it out. I was really impressed with what I saw online. I got more information from the website than I had anywhere else, and I joined using the form on the website.

"What really impressed me was when I sent an e-mail to TDU and got a call back from an organizer immediately, who was able to give me useful facts and information directly relevant to the issues I was concerned about. When was the last time the IBT did that?

"My husband and I both decided to come to the convention to learn more and hear about other people's issues. We got a lot more than we expected. The convention showed us concretely what TDU is trying to do in terms of trying to educate people about our union, and pulling us all together in a solid unit to work for the betterment of the Teamsters. With TDU, you realize not only that it's up to you to change things, but TDU also gives you the tools you need to do it.

"Now that I'm back from the convention, I'm working to set up meetings here in Knoxville to bring together UPS and freight workers, as well as others concerned about what's going on with the Central States Pension Fund. We're trying to build more of a local presence, to show people there's a different and better way of being a Teamster than what we see down at the union hall.

"If you want to find the truth, you need to join TDU and you need to get involved. If everybody runs around saying 'I can't, I can't,' we won't. But with TDU, we can all stand together and start changing things."

Barbara Martin
Local 519, UPS
Knoxville, Tenn.

JOIN TDU

TDU MEMBERSHIP APPLICATION

Name _____ Local _____

Address _____

City _____ State _____ Zip _____

Phone (_____) _____ Company _____

e-mail address _____

❑ City ❑ Road ❑ Dock ❑ Clerical ❑ Warehouse ❑ Construction ❑ Production

other _____

___ $35 one-year membership & subscription to *Convoy Dispatch.*

___ $85 three-year membership fee. ($10 shall be rebated to the local chapter)

___ $20 for spouses, and Teamsters who gross less than $17,000 a year.

___ $20 for retirees. Retired from Local _____ .

Check or money order

Mastercard/Visa # _____ Exp. date ___/___

Date _____ Signature _____

Return to: TDU, P.O. Box 10128, Detroit, Mich. 48210

TDU membership is kept confidential. TDU solicits and accepts membership applications and donations *only* from Teamsters, retired Teamsters and spouses who are not employers. Only funds from Teamster members and their spouses can be used for campaign purposes.

TDU DUES TO GO UP

On January 1, TDU dues will go up by $5— the first increase in ten years.

Join or Renew Now!